

REMARKS/ARGUMENTS

The final office action of July 7, 2009 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Objection to the Claims:

1. Claims 32, 42 and 47 are objected to because of the following informalities:

Proper names including, but not limited to Yixue, Taiji, and Gua should not be used in the claims. Their definitions are not commonly known to a person of ordinary skill in the art and a proper definition is not provided in the specification. Appropriate correction is required.

2. Although applicant claims that a person of ordinary skill in the art in Chinese culture would have common knowledge of the expressions, this does not apply to the ordinary skill in the art of the building trades in the United States of America. Wherein the patent is being applied for in the United States, the language of the claims should be understandable to a person of ordinary skill in the art in the country of pending application.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

Response to Objection:

1. The “person of ordinary skill in the art” is an imaginary person who is not limited by nationalities and understands all common terms in the relevant art, not only terms used in the United States, but also common technical terminologies in other countries. Although the terms “Taiji”, “Yixue” and “Gua” originate from China, a person of ordinary skill in the art would be able to clearly understand the precise meanings of these terms. The definitions of these terms are well known by a person of ordinary skill in the art, and thus it is unnecessary to amend them accordingly.

2. Because a patent is being applied for in the United States does not mean that the person of ordinary skill in the art is an actual American technical person. The person of ordinary skill in the art is an imaginary person who is not limited by nationalities and further understands all common terms in the relevant art, including not only terms used in the United States, but also terms used in other countries. As a result, the terms in the instant claims are understood by a person of ordinary skill in the art.

3. The specification of the instant application provides examples of these terms as used for Chinese architecture. Furthermore, the types of structures are identified/shown in the drawings of the specification. Attention is drawn to the description of Fig. 9 in the present specification. This passage explains the principles regarding “Taiji”, “Yixue” and “Gua”. In addition, the current specification includes explanations for these terms. See page 92, lines 6-11 and lines 19-20, and page 93, lines 6-9, of the current specification, i.e. the clean copy of the substitute specification for the explanations for the terms “Taiji”, “Yixue” and “Gua”. With said explanations, for a person of ordinary skill in the art, the meanings of these terms are clear. According to the contents disclosed in the specification, a person of ordinary skill in the art can understand the exact meanings of these terms in the claims of the instant application easily and clearly.

4. Further, in regard to the statement “Wherein the patent is being applied for in the United States, the language of the claims should be understandable to a person of ordinary skill in the art in the country of pending application,” it is respectfully requested that the authority for this position be pointed out either in 35 USC, 37 CFR, the MPEP, or relevant case law.

Withdrawal of this objection is requested.

Rejection under 35 U.S.C. § 112, Second Paragraph:

4. Claims 21-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with alternative language (i.e. includes an aboveground part, an underground part, or both; a top root, side(s), or both, etc.) rendering the scope of the claim indeterminate.

Response to § 112, Second Paragraph, Rejection:

The meaning of the alternative expression “includes an aboveground part, an underground part, or both” in the claims is clear as it indicates three cases: only an aboveground part is provided; only an underground part is provided; or both an aboveground part and an underground part are provided. For the same reason, other similar expressions in the claims have clear meanings and define the protection scope of the claims clearly. The claims have been amended to clarify these alternative expressions. Withdrawal of this rejection is requested

Rejection under 35 U.S.C. § 101:

5. Claims 21-46 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, applicant is claiming “natural ecological structures” including plants and animals. Plants and animals qualify as natural phenomenon.

Response to § 101 Rejection:

Claims 21-48 fully comply with the provisions as prescribed in Article 101 of the U.S. Code due to the following reasons:

Although plants and animals qualify as natural phenomenon, claims 21-48 are not directed to the plants and animals per se. Instead the claims are directed to architecture which may include therein plants and animals. That is, the structures may contain plants and animals. Each of these claims includes structural features specifically defining the architecture in the claims. The architecture defined in the claims is subject matter to be protected. Hence, claims 21-46 comply with the provisions as prescribed in Article 101 of the U.S. Code.

Rejections under 35 U.S.C. § 102

6. Claims 21-22, 32, 42-43 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Whitaker, Agricultural Buildings and Structures, or in the alternative under 35 U.S.C. 103(a) obvious over Whitaker, Agricultural Buildings and Structures in view of Placencia, U.S. 5, 862, 544 and Albers, U.S. Patent 4, 008, 689.
7. Claims 21-22, 32 and 42-43 are rejected under 35 U.S.C. 102(b) as anticipated by Whitaker, Agricultural Buildings and Structures or, in the alternative, under 35 U.S.C. 103(a) as obvious over Whitaker, Agricultural Buildings and Structures in view of Placencia, U.S. 5, 862, 544 and Albers, U.S. Patent 4,008,689.

Regarding claim 21, the Office Action states:

Whitaker discloses a multifunctional tridimensional combined ecological architecture having at least one building (see Part I starting on p. 3) comprising:

-an ecological structure capable of use for organisms,

- a natural ecological structure,
- a place capable of use for human culture activity,
- an organism production system,
- cooperating systems;

Wherein said at least one building has a tridimensional structure and includes an aboveground part (see p.9), an underground part, wherein a top roof sides wherein the top roof sides, or both are partly or completely transparent (wherein the sides have windows, windows are inherently transparent, see p. 436), openable and closable, or both;

Wherein said natural ecological structure and said ecological structures for organisms are provided anywhere in or on said at least one building, and include plants, organisms, water resource, and human cultural sights therein (see Chapter 21);

Said organism production systems comprising cultivation devices, processing devices, storing and transferring devices, and marketing devices (see Ch. 21);

Said cooperating systems comprising at least a part of a water recycling system (plants inherently perform these functions, furthermore, examiner takes official notice that water recapture and treatment is known to persons of ordinary skill in the art; it would have been obvious to a person of ordinary skill in the art at the time of the invention to use water recycling systems because water delivery and treatment from a central plant uses an excessive amount of energy that causes it to be comparatively inefficient and less economical than water recapture and treatment on location, as taught by Placencia, U.S. Patent 5, 862, 544), electrical (see Ch. 14), ventilation (see Ch. 16), temperature and humidity regulating (see Ch. 16, p. 295), light transmitting (greenhouses comprised of glass inherently refract light and also allow for light transmission there through), methane (see p. 339 and p. 394, examiner takes official notice that if methane is contained and removed it is obvious to a person of ordinary skill in the art to store it in tanks because methane is a source of energy and as such, it is desirable to capture it for use, as taught by Albers, U.S. Patent 4, 008, 689), illumination and control systems (p. 454);

Said at least one building and systems combined in a manner of part or complete combination.

Should applicant argue that Whitaker does not disclose ALL of the elements of the claimed combination, note that the claim recites, “said at least one building and systems combined in a manner of part of complete combination,” and Whitaker at the least discloses the combination in part.

Regarding claim 22, the Office Action states:

Whitaker discloses claim 21, wherein

said water recycling system comprises a precipitation gathering and purifying device, a sewage water recuperating and classification and purifying device, an external water resource input device, a device, capable of filtering and purifying water from air, a sanitation device, a water reservoir device and a water supply device;

said electrical system comprising a power generation and storing device, a power transmission and power supply device, a voltage transformation and power distribution device;

said ventilation system comprising an air input/output device, an oxygen supply device, air purifying and recycling device and a sanitation device;

said temperature and humidity regulation system comprising a temperature regulating device and a humidity regulating device;

said light transmitting system comprising a light refractive device and a light transmitting device;

said methane system comprising a methane tank and a methane storing and utilization device; said control system comprising automatic, manual or both control mechanism for the systems; and

wherein the place able to be used for human culture activity comprises a place able to be used for resting and a place for sports and cultural activities.

Regarding claim 32, the Office Action states:

Whitaker discloses claim 21, and further discloses wherein the building in combinable in at least one of various types of forms listed. Refer to the figures throughout Whitaker.

Regarding claims 42 and 47, the Office Action states:

Whitaker discloses claim 21, wherein said ecological structure capable of use for organisms and the natural ecological structure comprises at least one of an ecological structure of ecological wall type, and tridimensional warm house structure.

Regarding claim 43, the Office Action states:

Whitaker discloses claim 21, wherein said place capable of use for human cultural activity comprises a place capable of use for office, commerce, sports, culture, factories, schools, research, storage, sanatorium, stations, and recreation.

It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations insofar as the prior art apparatus is capable of being used in the manner as stated by the limitations of the claim.

Response to § 102 Rejection:

Regarding claim 21:

The original feature of “atleast one building” has been amended to “one or more buildings”.

Secondly, claim 21 recites the technical feature “the tridimensional ecological structure of said one building or said more buildings comprises a plurality of layers of ecological environment, said tridimensional ecological structure is of a structure form of opened type, closed type, openable and closable type or combined type”.

Thirdly, the technical feature “the tridimensional ecological structure has a fixed type of organism cultivation device or a movable type of organism cultivation device, said fixed type of

organism cultivation device or said movable type of organism cultivation device being vertically developed or horizontally developed” has been added to claim 21 to further define the tridimensional ecological structure in said one or more buildings.

Fourthly, the additional technical feature of previous claim 47 is added into claim 21 for further defining the more buildings.

The applicant believes that amended claim 21 is not anticipated by Whitaker, Agricultural Buildings and Structures, traditional campus, farms or plantations nor is obvious in view of thereof. The specific analyses are as follows:

Claim 21 defines a multifunctional tridimensional combined ecological architecture, in which the place for human culture activity, the ecological structure for organisms and the natural ecological structure are combined into building(s) to form a combined multifunctional ecological architecture.

The first characteristic of claim 21 is the combined ecological architecture. As defined in claim 21, the multifunctional tridimensional combined ecological architecture has “one or more buildings, said one building or said more buildings comprising: an ecological structure for organisms, a natural ecological structure, a place for human culture activity, an organism production system, cooperating systems.” That is, from the aspect of the buildings, the multifunctional tridimensional combined ecological architecture has two combination cases: one case is that the multifunctional tridimensional combined ecological architecture merely has one building; and the other case is that the multifunctional tridimensional combined ecological architecture has more buildings. However, in either case, the ecological structure for organisms, the natural ecological structure and the place for human culture activity are combined therein, i.e. in the one building or in the more buildings. Furthermore, in the case that more buildings are provided, the more buildings include at least one of the following ecological structures of Taiji graphics type, Eight Gua graphics type, hood type, frame hood type, tree frame type, tridimensional land type, tridimensional awning type, combined frames type, turret frame type, combined passage type, hacienda type, ecological village type, ecological town type, tridimensional ecological river type, tridimensional ecological bridge type, tridimensional ecological road type, tridimensional ecological wall type and organism cultivation mechanical

frame type. All these structures are clearly explained and illustrated in the specification and the figures, and all of them are differentiated from the agricultural buildings disclosed by Whitaker. Each specific structure makes the technical solution of claim 21 not anticipated by Whitaker.

Neither Whitaker nor the traditional campuses and farms recited in the Office Action discloses a building or more buildings in which the ecological structure for organisms, natural ecological structure and place for human culture activity are combined together. For instance, it is known from the catalogue of Agriculture Buildings and Structures, Whitaker, that the Agriculture Buildings and Structures mainly include two parts: the first part introduces design of agriculture buildings and materials applied for the agriculture buildings (see the contents), wherein chapters 14-16 are respectively directed to heat transfer, solar energy, air moisture, temperature relations and ventilation; and the second part introduces houses or facilities for various specific enterprises. For example, chapter 18 relates to housing for dairy cattle; chapter 19 concerns housing for livestock; chapter 20 is directed to poultry housing; chapter 20 concerns greenhouse; and chapter 22 relates to fruit, vegetable and nursery storage. These chapters still belong to the traditional design concept of the traditional agricultural buildings. In the traditional farms, even if there are houses or facilities for different enterprises listed in the second part disclosed by Whitaker, these houses for specific enterprises are not combined with each other, and are separated from each other. Neither Whitaker nor the traditional campuses and farms discloses the feature of claim 21 that in at least one building, the ecological structure for organisms, natural ecological structure and place for human culture activity are combined together.

The second characteristic of claim 21 is that the building or all the buildings are of an ecological structure, and the place for human culture activity is combined with the ecological structure. As defined in claim 21, “said one building or said more buildings have a tridimensional ecological structure,” “said natural ecological structure and said ecological structure for organisms..., and include plants, animals, a water resource and human cultural sights therein.” Said ecological structure includes plants, animals and water resource. As shown in the embodiments of Figs. 1-10, the multifunctional tridimensional combined ecological architecture in each embodiment includes a lot of plants, animals or water resource, which forms a good ecological environment. The place for human culture activity and the ecological structure are combined to form a multifunctional architecture, so as to realize making people in the buildings in

the natural ecological environment as well. Although Whitaker discloses greenhouses (see Chapter 21), the greenhouses are independent and are not combined with the place for human culture activity, which is a traditional concept. An inventive feature of the instant invention lies in that the growth and existing environment of the plants and animals are combined with the buildings forming the place for human culture activity, in which people protect the ecological environment, and the ecological environment enforces and assures development of humans. Moreover, as analyzed below, the ecological structure in claim 21 is a tridimensional ecological structure, which is different from the greenhouse involved in planar development disclosed by Whitaker.

The third characteristic of claim 21 is more important. The third characteristic is that the meaning of the “tridimensional” in the tridimensional ecological architecture is that all the buildings included in the ecological architecture develop upwards and downwards. In order to reflect this characteristic, claim 21 is amended by the applicant by incorporating the technical feature “the tridimensional ecological structure of said one building or said more buildings comprises a plurality of layers of ecological environment, said tridimensional ecological structure is of a structure form of opened type, closed type, openable and closable type or combined type” therein, so as to further limits claim 1 to make at least one building included in the ecological architecture defined therein comprises a plurality of layers of ecological environment. Prior to the instant invention, there is only one natural ecological environment on earth. The above-mentioned features in claim 21 and the concept that the plurality of layers of ecological environment formed by upward and downward tridimensional development defined therein are not disclosed by Whitaker, or by traditional college campuses and farms.

The feature of the tridimensional ecological architecture developed upwards and downwards in claim 21 makes the tridimensional ecological architecture defined in claim 21 differ greatly from the contents disclosed by Whitaker, traditional campuses, farms, or plantations. Whitaker (see explanations regarding the greenhouse in chapter 21 disclosed by Whitaker, this chapter does not mention the greenhouse that can provide a plurality of layers of ecological environment) and traditional campuses, farms or plantations are limited to develop in the same layer of plane, wherein at most only one layer of natural environment is formed. The prior art neither discloses developing upwards and downwards in the space so as to form the concept of

tridimensional ecological architecture including a plurality of layers of ecological environment defined in claim 21 nor provides any technical teaching regarding this feature. Each of the embodiments as shown in Figs. 1-10 comprises a plurality of layers of ecological structure (i.e. tridimensional ecological structure), wherein each layer of ecological structure is provided with a layer of ecological environment, such that each building comprises a plurality of layers of ecological environment for organisms and a plurality of layers of natural ecological environment. Claim 21 breaks through the traditional concept of developing in a plane so as to merely form one layer of natural environment reflected by the contents disclosed by Whitaker, traditional campuses, farms or plantations, and inventively provides the concept of developing in the upward and downward directions to form a plurality of layers of ecological environment, and this concept is not disclosed in the prior art. By this feature, not only can multifunctional architecture be realized, but also the architecture can provide a plurality of layers of ecological environment for human being to exist and conduct production, so as to solve the problem that the buildings disclosed by Whitaker, traditional campus, farms, or plantations merely develop on the plane, such that the living and production space cannot be enlarged so as not be able to satisfy the requirements of the long-term development of human being.

Claim 21 further has an important characteristic that “said tridimensional ecological structure is of a structure form of opened type, closed type, openable and closable type or combined type and has a fixed type of organism cultivation device or a movable type of organism cultivation device, said fixed type of organism cultivation device or said movable type of organism cultivation device being vertically developed or horizontally developed.” The openable and closable type is distinguished from that of the traditional doors and windows. See the contents in lines 1-2 from the bottom on page 7 of the substitute specification that “the opened and closed structures may be combined with movable doors and windows”, which indicates that the structure form of the openable and closable type differs from the traditional doors and windows. The structure form of the openable and closable type is combined with the ecological characteristics of the present invention. For instance, the “passage type opening and closing structure” as shown in Figs. 1 and 5 indicates the opening and closing structure is not a traditional opening and closing structure but is an opening and closing structure that cooperates with the multifunctional tridimensional combined ecological building comprising plants, animals, water source and place for human culture activity as well as a plurality of layers of ecological environment. As for the

instant invention, when the opening and closing structure of the tridimensional ecological structure is closed, the ecological room for organisms is formed; when the opening and closing structure is opened, the open ecological space for organisms fully in contact with the outdoor natural environment is formed. As for the movable type of tridimensional organism cultivation device, the organism cultivation device indicated by reference sign 17 in Fig. 1 can avoid taking up space in the intermediate layers, and the tridimensional organism cultivation device developed vertically indicated by reference sign 73 saves room area in the horizontal direction as compared with the horizontally developed organism cultivation device due to it being developed vertically.

Although claim 21 defines that “said one building or said more buildings and the systems are combined in a manner of part or complete combination”, it can be understood from the technical feature of claim 21 that even if under the circumstance of part combination, the feature of the ecological structure including a large number of plants, animals or water resource that form a good ecological environment is indispensable; the feature that the place for human culture activity, such an ecological structure and one building or more buildings are combined is indispensable; the feature of developing in the upward and downward directions to form the tridimensional ecological structure including a plurality of layers of ecological environment is indispensable; and the tridimensional ecological structure being of a structure form of opened type, closed type, openable and closable type or combined type is indispensable; and the feature “the tridimensional ecological structure has a fixed type of organism cultivation device or a movable type of organism cultivation device, said fixed type of organism cultivation device or said movable type of organism cultivation device being vertically developed or horizontally developed” is indispensable. These design concepts and structure features are not disclosed by Whitaker or traditional campuses or farms recited by the Office Action.

The architecture possessing the above characteristics is not anticipated by Whitaker, and thus is not anticipated by Whitaker. With the concept of the traditional agricultural buildings disclosed by Whitaker, a person of ordinary skill in the art cannot obtain the technical solution of claim 21 obviously, and claim 21 is not obvious over the contents disclosed by Whitaker. In claim 21, the feature of developing upwards and downwards to form the plurality of layers of ecological environment and other features such as the more buildings make the structures required for production and living of human being are assembled to be combined in the buildings, such that the

multifunctional tridimensional combined ecological architecture that not only can satisfy various requirements of human being but also can satisfy requirements for the sustainable development of human being are formed.

Due to the reasons set forth above, claim 21 is not anticipated by Whitaker, and Whitaker does not destroy novelty of claim 21.

The cited prior art neither discloses the aforementioned four technical features of claim 21 and their four characteristics, nor provides any technical teaching for these technical features and characteristics. On the basis of the prior art, for a person of ordinary skill in the art, claim 21 is not obvious. Claim 21 is not rendered obvious under 35 USC 103.

Regarding claim 22:

As discussed above, claim 21 is not anticipated by, or rendered obvious over, Whitaker, *Agricultural Buildings and Structures*, thus dependent claim 22 likewise is not anticipated by, or rendered obvious over, Whitaker.

In addition, Whitaker does not disclose all the technical features of claim 22. Accordingly, claim 22, including all these technical features, possesses novelty and is not obvious over Whitaker, *Agricultural Buildings and Structures*.

Regarding claim 32:

As discussed above, claim 21 is not anticipated by, or rendered obvious over, Whitaker, *Agricultural Buildings and Structures*, thus dependent claim 32 likewise is not anticipated by, or rendered obvious over, Whitaker.

Regarding claims 42 and 47:

As discussed above, claim 21 is not anticipated by, or rendered obvious over, Whitaker, *Agricultural Buildings and Structures*, thus dependent claims 42 and 47 likewise are not anticipated by, or rendered obvious over, Whitaker.

What is more, claims 42 and 47 define specific forms of ecological structure, while Whitaker, *Agricultural Buildings and Structures* does not disclose these specific forms of ecological structure. Consequently, claims 42 and 47 including all these technical features possess novelty and are not obvious over Whitaker, *Agricultural Buildings and Structures*.

Regarding claim 43:

As discussed above, claim 21 is not anticipated by, or rendered obvious over, Whitaker, *Agricultural Buildings and Structures*, thus dependent claim 43 likewise is not anticipated by, or rendered obvious over, Whitaker.

Merely considering the specific structural features and neglecting the limitation of the functional features is inappropriate. For instance, claim 21 defines the ecological structure for organisms and the place for human culture activity, and then the ecological structure inevitably comprises the corresponding structure required for organism implantation. “Ecological structure for organisms” or “natural ecological structure” means that there should be a plenty of plants, animal and water resource in the buildings, as defined in claim 21. A person of ordinary skill in the art will not consider that the ecological structure for organisms and the natural ecological structure are the same or confuse them. A person of ordinary skill in the art will not confuse the ecological structure for organisms defined in claim 21 with the barns mentioned by Whitaker. As a result, the application manners in claim 21 have limitation functions. The functional limitation will distinguish the device to be protected in the claims with the device in the prior art clearly.

The device in claim 21 includes different structural components. Each component is defined specifically, no matter by structural features or by functional features such as by its application. However, respective structural components are distinguished from each other clearly. Combining all these structural components together makes the device defined in claim 21 be distinguished from the device in the prior art. The prior art does not disclose such a device that includes all the structural components defined in claim 21, and thus the device defined in claim 21 is obviously distinguished from the device in the prior art.

Rejection under 35 U.S.C. § 103:

4. Claims 23-31, 33-41 and 44-46 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Whitaker, Agricultural Buildings and Structures.

Regarding claims 23-41, 33-41 and 44-46:

Whitaker discloses claims 22 and 32, but does not expressly disclose each and every limitation of the claims regarding the water filtration device, the theft alarm system, the roads and bridges, solar power devices, organisms and the other broad scope of limitations.

However, Examiner takes official notice that it is old and well known to use each of the systems and devices claimed by applicant in both combination and as a stand alone functioning unit. Support for this assertion includes college campuses, farms and plantations which are well known to persons of ordinary skill in the art. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have installed in and around a system of buildings each of these well-known devices and systems.

The motivation to combine each of these systems would have been to form a sustainable location that meets all of a community's needs.

Response to § 103 rejection:

As mentioned above, the prior art (Whitaker, Agriculture Buildings and Structures, traditional campus and farms) neither discloses the following four technical features "...having one or more buildings, said one building or said more buildings comprising: an ecological structure for organisms, a natural ecological structure, a place for human culture activity, an organism production system, cooperating systems"; "said one building or said more buildings have a tridimensional ecological structure"; "said natural ecological structure and said ecological structure for organisms are provided..., and include plants, animals, a water resource and human cultural sights therein"; "the tridimensional ecological structure of said one building or said more buildings comprises a plurality of layers of ecological environment, said tridimensional ecological structure is of a structure form of opened type, closed type, openable and closable type or combined typed and has a fixed type of organism cultivation device or a movable type of organism cultivation device, said fixed type of organism cultivation device or said movable type of organism

cultivation device being vertically developed or horizontally developed” nor discloses the following four characteristics reflected by the four technical features: the characteristic that the ecological structure includes a larger number of plants, animals or water resource to form a good ecological environment; the characteristic that the place for human culture activity is combined with such an ecological structure as well as one building or more buildings together; the characteristic that the tridimensional ecological structure, by development in the upward and downward directions, comprises a plurality of layers of ecological environment, said tridimensional ecological structure being of a structure form of opened type, closed type, openable and closable type or combined type, and having a fixed type of organism cultivation device or a movable type of organism cultivation device, said fixed type of organism cultivation device or said movable type of organism cultivation device being vertically developed or horizontally developed.

Furthermore, the prior art does not provide any technical teaching regarding the claimed technical features and characteristics. The instant claims are not rendered obvious under 35 USC 103.

The Office Action reminds the applicant in the Action as follows: “It is old and well known to use each of the systems and devices claimed by applicant in both combination and as a stand alone functioning unit. Support for this assertion includes college campuses, farms and plantations which are well known to persons of ordinary skill in the art. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have installed in and around a system of buildings each of these well-known devices and systems.

The motivation to combine each of these systems would have been to form a sustainable location that meets all of a community’s needs.”

The applicant respectfully disagrees with the positions asserted in the Office Action. If what the Office Action alleges is correct, i.e. it is old and well known to use each of the systems and devices claimed by applicant in both combination and as a stand alone functioning unit, why does not document disclose the combined claimed features? It is respectfully submitted that it is not easy for people to think of the inventive concept of the multifunctional (structural components respectively having functions of making organisms grow, protecting the ecological environment, realizing human culture activity are combined) tridimensional (a plurality of layers formed by

development in upward and downward directions) combined (the ecological structure and the place for human culture activity are combined together, and a more buildings including the ecological structure and the place for human culture activity are combined) ecological (a larger number of plants, animals and water resource are provided in the buildings) architecture. It is respectively submitted that the technical solutions of the present invention are not obvious and require creative effort.

College campuses, farms, or plantations do not provide the combined characteristics of the claimed invention. At most, these disclose several function parts scattered and arranged independently. No one thought of combining all the structural components for realizing different functions to form an integral unit. The instant claims provide a novel design concept. The multifunctional tridimensional combined ecological architecture in each embodiment as shown in Figs. 1-10 of the instant specification reflect apparently that a plurality of structural parts having different functions are truly combined to form an integral architecture. However, the parts having different functions in the college campuses, farms or plantations are not combined in such as structure, and are still independent from each other.

College campuses, farms or plantations do not teach or suggest the characteristic of the tridimensional ecology according to the present invention that building(s) comprises a plurality of layers of ecological environment to form the tridimensional ecological environment. They at most have one layer of ecological environment. However, the one building or the more buildings forming the whole architecture should include a plurality of layers of ecological environment. This tridimensional ecological architecture developing upwards and downwards will help people with eternal development of the limited space on the earth greatly. College campuses, farms or plantations neither possess the characteristic of combining the ecological structure and the place for human culture activity together into one or more buildings as defined in the instant invention, nor possess the characteristic of the a plurality of layers of ecological environment developing upwards and downwards, and thus cannot be compared with the multifunctional tridimensional combined ecological architecture defined in the present invention at all.

A person of ordinary skill in the art can understand that claim 21 does not include college campuses, farms, or plantations.

Response to Previous Arguments

Comments in Office Action:

9. Applicant's arguments filed 29 April 2009 have been fully considered but they are not persuasive.
10. Regarding applicant's arguments drawn to the objections of the claims, applicant claims that a person of ordinary skill in the art in Chinese culture would have common knowledge of the expressions, examiner maintains that this does not apply to the ordinary skill in the art of the building trades in the United States of America. Wherein the patent is being applied for in the United States, the language of the claims should be understandable to a person of ordinary skill in the art in the country of pending application.
11. Regarding applicant's arguments drawn to the rejection of the claims in view of Whitaker, applicant argues that Whitaker does not disclose each and every element of the claims. However, Whitaker does not disclose each and every element of the claims as addressed in the 35 USC 102(b) rejections above. Examiner has provided, in the alternative, a 35 USC 103(a) rejection for further reinforcement in rejection of the claims.
12. Applicant further makes arguments drawn to the intended use of the spaces of Whitaker. Applicant is reminded that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations insofar as the prior art apparatus is capable of being used in the manner as stated by the limitations of the claim.
13. Applicant is further reminded that claims in a pending application should be given their broadest reasonable interpretation. In the instant case, the invention as claimed is combining various types of buildings, devices, and systems into an ecological architecture. "Architecture" constitutes buildings collectively as defined by the Random House Unabridged Dictionary. As asserted by the rejection of the claims above, both a college campus and a farm teach multifunctional tridimensional combined ecological architectures having one or more buildings as claimed by applicant.

14. By applicant's own admission, the large scale of complex ecological architecture according to the present invention is a systematic invention. These features are disclosed by Whitaker as well as by the systematic structure of college campuses and farms throughout the world.
15. Regarding applicant's argument that college campuses, farms and plantations do not meet the limitations of the claims, examiner maintains that the claims are provided the broadest reasonable interpretation and that the limitations with regard to the intended use of the space are met wherein the prior art is capable of performing the task set forth in the language of the claims. Examiner maintains that Whitaker, college campuses, farms and plantations DO teach combining the elements defined in the claims.

Applicants Response:

In regard to comments of item 10, the terms (Taiji, Yixue, Gua, etc.) are still objected to. The applicant insists that a person of ordinary skill in the art should be an imaginary person who is not limited by nationalities and does know of knowledge that is not only known by an actual American technical person but also known by an actual technical person in other countries. What is more, the claimed terms are not only known by a person of ordinary skill in the art in China, but also are known by technical persons in other countries. For example, signals regarding Yixue are provided on the pattern of national flag of the Republic of Korea.

Moreover, the undersigned requests the authority that one of ordinary skill in the art must be an American person skilled in the art. There is simply no such requirement. It is respectfully submitted that one skilled in the art is one skilled in the particular art of the invention being claimed, regardless of what nationality the invention is derived. The position taken in the Office Action is clearly erroneous and should be withdrawn.

In regard to comments of item 11, the Office Action insists that Whitaker does disclose each element of the instant claims as addressed in the 35 USC 102 (b) and further provides, in the alternative, a 35 USC 103(a) rejection for further reinforcement in rejection of the claims.

With respect to the comments, the applicant considers that Whitaker does not disclose all the technical features of claim 21. For instance, Whitaker neither discloses the following four

technical features “...having one or more buildings, said one building or said more buildings comprising: an ecological structure for organisms, a natural ecological structure, a place for human culture activity, an organism production system, cooperating systems”; “said one building or said more buildings have a tridimensional ecological structure”; “said natural ecological structure and said ecological structure for organisms are provided..., and include plants, animals, a water resource and human cultural sights therein”; “the tridimensional ecological structure of said one building or said more buildings comprises a plurality of layers of ecological environment, said tridimensional ecological structure is of a structure form of opened type, closed type, openable and closable type or combined typed and has a fixed type of organism cultivation device or a movable type of organism cultivation device, said fixed type of organism cultivation device or said movable type of organism cultivation device being vertically developed or horizontally developed” nor discloses the following four characteristics reflected by the four technical features: the characteristic that the ecological structure includes a larger number of plants, animals or water resource to form a good ecological environment; the characteristic that the place for human culture activity is combined with such an ecological structure as well as one building or more buildings together; the characteristic that the tridimensional ecological structure, by development in the upward and downward directions, comprises a plurality of layers of ecological environment, said tridimensional ecological structure being of a structure form of opened type, closed type, openable and closable type or combined type, and having a fixed type of organism cultivation device or a movable type of organism cultivation device, said fixed type of organism cultivation device or said movable type of organism cultivation device being vertically developed or horizontally developed. Whitaker merely states some agricultural building forms having different and independent functions, wherein the agricultural buildings having respective different functions do not have the relations that they combined together. For example, the greenhouse is not combined with the place for human culture activity into one building, and the horizontal development of the greenhouse merely forms one layer of ecological environment. Under the circumstance that the above-mentioned four technical features and four characteristics are not disclosed, a person of ordinary skill in the art cannot think of the technical solution of claim 21 obviously on the basis of Whitaker, traditional campuses and farms. Accordingly, claim 21 is not obvious over Whitaker, traditional campuses and farms.

In regard to comments of item 12, the Office Action deems that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations insofar as the prior art apparatus is capable of being used in the manner as stated by the limitations of the claim.

The applicant respectfully traverses this position. The structures and systems with various application manners represent specific structures for the intended uses. For example, the “ecological structure for organism”, the “natural ecological structure”, the “place for human culture activity”, the “organism production system” and the “cooperating systems” inevitably have distinguished structures. The multifunctional tridimensional combined ecological architecture including the combined structural components neither is disclosed in the existing technology nor is suggested by any technical teaching. For example, there are dwelling houses in the prior art, but there is no ecological structure for organisms or natural ecological structure in the dwelling houses. There are greenhouses in the prior art, while there is no residence for human beings in the greenhouses. In the prior art, the ecological environment and the residence for human beings are separated from each other and are not combined as defined in the instant invention. The greenhouses provide in the prior art have the structure with one layer formed by planar development. However, claim 21 defines a tridimensional structure comprising a plurality of layers of ecological environment developed tridimensionally in the upward and downward directions. The prior art simply does not teach or suggest such a tridimensional structure.

In comments of item 13, the Office Action represents the following view: “Applicant is further reminded that claims in a pending application should be given their broadest reasonable interpretation. In the instant case, the invention as claimed is combining various types of buildings, devices and systems into an ecological architecture. ‘Architecture’ constitutes buildings collectively as defined by the Random House Unabridged Dictionary. As asserted by the rejection of the claims above, both a college campus and a farm teach multifunctional tridimensional combined ecological architectures having one or more buildings as claimed by applicant”.

With regard to the aforementioned view, the applicant deems that the technical solution of claim 21 does include two selections. One selection is that the architecture merely includes one

building, and other selection is that the architecture includes more buildings. Firstly, as for the solution that merely one building is provided in the architecture, none of Whitaker, college campuses, and farms can provide the technical teaching. No building in the prior art comprises structural components having different functions as defined in claim 21. Secondly, as for the solution that more buildings are provided in the architecture, college campuses and farms may include a more buildings, whereas the buildings comprised by a college campus or a farm are independent from each other and do not form combination relations in structure. In contrast, one characteristic of the instant invention is the combined type. Although according to the definition in the Random House Unabridged Dictionary, “Architecture” constitutes buildings collectively, claim 21 does not contain only one word “Architecture”. Instead, claim 21 further defines the multifunctional tridimensional combined ecological architecture. In other words, claim 21 can contain more buildings in which the ecological structure and the place for human culture activity are combined. Furthermore, these buildings include the ecological structure in specific structural form. The meanings of the specific structural forms are depicted and illustrated clearly in the specification and the enclosed figures. The ecological structure in the specific structural form is not disclosed by Whitaker, college campuses and farms. What is more, the more buildings defined in claim 21 have a plurality of layers of ecological environment. The characteristic of the tridimensional ecological architecture developed upwards and downwards is not taught by campuses or farms at all. The ecological architecture defined in claim 21 further means the architecture in which human and nature are combined closely. While interpreting the claims, the contents disclosed in the specification should be considered as well. For instance, the multifunctional tridimensional combined ecological architecture in the embodiments as shown in Figs. 1-10 possesses the aforementioned characteristics. Claim 21 contains corresponding structural features corresponding to these characteristics. The college campuses and farms do not disclose or teach these characteristics or the corresponding technical features. Whitaker, traditional campuses and farms do not disclose the above-mentioned four technical features and characteristics. A person of ordinary skill in the art cannot think of the technical solution of claim 21 obviously on the basis of Whitaker, traditional campuses and farms. Consequently, claim 21 is not obvious over Whitaker, traditional campuses, and farms.

In regard to comments of item 14, the Office Action provides the following view: “By applicant’s own admission, the large scale of complex ecological architecture according to the

present invention is a systematic invention. These features are disclosed by Whitaker as well as by the systematic structure of college campuses and farms throughout the world.” Regarding this view, the applicant deems that as analyzed above, the features of the amended claim 21 are not disclosed by Whitaker as well as by the systematic structure of college campuses and farms throughout the world. College campuses and farms do not have the combined relations among respective buildings as reflected in claim 21, do not have the combination relations between human and nature as reflected in claim 21, and do not possess the characteristic of tridimensional development of a plurality of layers of ecological environment as reflected by claim 21.

In regard to comments of item 15, the examiner provides the following view: “Regarding applicant’s argument that college campuses, farms and plantations do not meet the limitations of the claims, the Office Action maintains that the claims are provided that broadest reasonable interpretation and that the limitations with regard to the intended use of the space are met wherein the prior art is capable of performing the task set forth in the language of the claims. The Office Action maintains that Whitaker, college campuses, farms and plantations DO teach combining the elements defined in the claims”. Applicant respectfully submits that the instant claims do not include the college campuses, farms, or plantations well known by a person of ordinary skill in the art. College campuses, farms, or plantations, well known by a person of ordinary skill in the art, do not disclose to one skilled in the art the four technical features and characteristics of amended claim 21 nor provide technical teaching for these technical features and characteristics. As a result, claim 21 is not obvious over Whitaker, college campuses, farms and plantations well known by a person of ordinary skill in the art.

Applicant’s Summary of the Arguments and Conclusion

To sum up, the applicant submits that the meanings of the terms “Taiji”, “Yixue” and “Eight Gua” are clear, and one skilled in the art understands the scope of the claims containing these terms. Moreover, the claims are directed to a subject matter that can be granted a patent right and thus comply with U.S.C. 101. Respective claims possess novelty and are not obvious over Whitaker, and “college campuses, farms and plantations well known by a person of ordinary skill in the art” and thus comply with U.S.C. 102 and 103.

In order to show the difference between the instant application and Whitaker, Agricultural Buildings and Structures, the applicant provides the following extracts of the contents in the instant application and the contents disclosed by Whitaker:

It is mentioned in the introduction of the first chapter of Agricultural Buildings and Structures, “Agricultural buildings have changed over the years as differing requirements have been imposed and new methods and materials have been developed. However, a close look at how the needs for crop and animal shelter were met by early farmers reveals a surprising number of ideas that are still valid today. A brief study of early barns should be interesting and worthwhile”.

It is mentioned in the technical field portion in the specification of the instant application: “The present invention relates to a multifunctional tridimensional combined ecological architecture that combines human culture, plants, organisms and other natural ecological environments inside or outside the combined ecological buildings, which may be closed, opened, opened and closed, combined, and other architectural forms. The ecological architecture may expand spaces upward and downward, including solar power generation systems, wind power generation systems, water power generation systems, mechanical power generation systems, water purifying and storage systems, oxygen suppliers, air conditioning systems, ultraviolet sanitation systems, water flow systems for cultivation of organisms, and other modern multifunctional tridimensional combined ecological architectures.”

In the introduction of the Agricultural Buildings and Structures, it is explained that the Agricultural Buildings and Structures merely aim at showing the changes needed to satisfy the early farmers’ requirements regarding crops and animal shelters and still use the “brief study of early barns” and the method. It is submitted that, compared with the multifunctional tridimensional combined ecological architecture, Whitaker’s Agricultural Buildings and Structures only characterize traditional and old barns.

By contrast, as for the claimed “multifunctional tridimensional combined ecological architecture,” it is clearly explained that the present invention relates to a multifunctional tridimensional combined ecological architecture that combines human culture, plants, organisms and other natural ecological environments inside or outside the combined ecological buildings, which may be closed, opened, opened and closed, combined, and other architectural forms in the

technical field portion of the instant specification, and the ecological architecture may expand spaces upward and downward (see lines 1-7 on page 1 of the Technical Field part of the current specification).

Whitaker, the Agricultural Buildings and Structures, does not disclose the contents of the claimed invention. The claimed invention would not have been obvious by a person of ordinary skill in the art on the basis of Whitaker.

As another example, line 8 from the bottom on page 2 to line 3 on page 3 of the current specification of the present application recites “natural ecological environments have been polluted by people, with the result that many plants and organisms have been extinguished, lands available for people becomes fewer and fewer, people will have to suffer from the lack of resources, and have to transfer from the wrong type of lives to scientific ones. Thus, the object of this invention is to create a new type of environments for people’s continuous development, which comprise multifunctional tridimensional combined ecological architectures and various series of functional buildings with cooperating devices and cooperating equipments”.

It is further mentioned in lines 8-13 on page 7 of the specification, “The ecological system for human culture, plants and organisms comprise the environment for human culture, for plants, for organisms and for ecological environments, and creates mainly the epitomes of humans in big ecological environments. The systems establish small tridimensional ecological buildings.” It can be seen that the object of the present invention is protecting the ecological environment so as to protect the human being per se. Under the circumstance that the amount of the exhausted greenhouse gases cannot be controlled and the organism resources are less and less throughout the world at present, the multifunctional tridimensional combined ecological architecture of the present application involves a prominent inventive step, possesses novelty and is practical. As compared with Whitaker, the Agricultural Buildings and Structures, the present application is inventive and novel. In other words, the multifunctional tridimensional combined ecological architecture of the present invention and Whitaker, the Agricultural Buildings and Structures do not belong to a field or does not fall into the same level at all.

It is also mentioned in lines 8-16 on page 115 of the specification: “They not only have the features of architectures, but also can protect ecological environment, harness deserts, prevent

floods, improve land resources and tridimensional ecological spaces, which are great beneficial to habitants with fortunes. Most of all, they change humans from improper life manners to the proper tridimensional green life manner, thus a new manner of life is afforded, which basically solve the problems in human's continuous development that improve the development of science.”

As disclosed by Whitaker, traditional campuses and farms destroy the environment. However, the present invention protects the environment to achieve the goal of people and environment's mutual development. The present invention not only differs from Whitaker, the Agricultural Buildings and Structures, greatly, but also differs from the farms and campuses mentioned in the Office Action. As compared with the traditional farms and campuses, the present invention is novel and is not obvious. The present invention complies with the 35 U.S.C. and allowance of the patent right of the present invention is kindly requested.

CONCLUSION

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,
BANNER & WITCOFF, LTD.

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